

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES INVESTOR PROTECTION :  
CORPORATION, :

Plaintiff-Applicant, :

v. :

BERNARD L. MADOFF INVESTMENT :  
SECURITIES, LLC, :

Defendant. :

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In re: :

BERNARD L. MADOFF, :

Debtor. :

-----X  
IRVING H. PICARD, Trustee for the Liquidation :  
Of Bernard L. Madoff Investment Securities LLC :

Plaintiff, :

v. :

STANLEY SHAPIRO, individually, as general :  
partner of S&R Investment Co., as trustee for LAD :  
Trust, as trustee for David Shapiro 1989 Trust, as :  
amended, and as trustee for Leslie Shapiro 1985 :  
Trust, as amended, :

RENEE SHAPIRO, individually, as general partner :  
of S&R Investment Co., as trustee for LAD Trust, :  
as trustee for David Shapiro 1989 Trust, as :  
amended, and as trustee for Leslie Shapiro 1985 :  
Trust, as amended, :

S&R INVESTMENT CO., :

LAD TRUST, :

DAVID SHAPIRO, individually and as trustee for :  
Trust F/B/O [W.P.S.] & [J.G.S.], :

SIPA LIQUIDATION

No. 08-01789 (BRL)

Adv. Pro. No. 10-05383(SMB)

RACHEL SHAPIRO,	:
	:
DAVID SHAPIRO 1989 TRUST, as amended,	:
	:
TRUST F/B/O [W.P.S] & [J.G.S.],	:
	:
LESLIE SHAPIRO CITRON ,	:
	:
LESLIE SHAPIRO 1985 TRUST, as amended,	:
	:
TRUST F/B/O [A.J.C.], [K.F.C.], &	:
[L.C.C.], as amended, and	:
	:
KENNETH CITRON, individually and as trustee	:
For Trust F/B/O [A.J.C.], [K.F.C.],	:
[L.C.C.], as amended,	:
	:
Defendants.	:
-----X	:

**DECLARATION OF BARRY R. LAX IN  
SUPPORT OF DEFENDANTS’ MOTION TO DISMISS  
THE TRUSTEE’S SECOND AMENDED COMPLAINT**

I, Barry R. Lax, declare pursuant to 28 U.S.C. § 1746, that the following is true:

1. I am a member of the Bar of this Court and a Partner at the firm of Lax & Neville LLP, attorneys for Defendant Stanley Shapiro, individually, as general partner of S&R Investment Co., and as the executor for the estate of Renee Shapiro.

2. I have knowledge of the accounts in question. To the best of my knowledge, no checks or transfers from the BLMIS accounts were made to the Cohmad Account or Checking Account during the time periods in question.

3. Attached hereto as Exhibit A is a true and complete copy of the Subpoena, dated June 26, 2017, the Trustee served on non-party JPMorgan Chase Bank, N.A. (“JPMorgan”) regarding accounts belonging to Stanley Shapiro, Renee Shapiro, and S & R Investment Co.

4. Attached hereto as Exhibit B is a true and complete copy of the Responses and Objections of Non-Party JPMorgan Chase Bank, N.A. to Plaintiff's Subpoena for Production of Documents dated July 7, 2017.

5. Attached hereto as Exhibit C is a true and complete copy of the Transcript from the October 5, 2017 hearing in this matter before the Honorable Stuart M. Bernstein of the United States Bankruptcy Court for the Southern District of New York.

6. Attached hereto as Exhibit D is a true and complete copy of BLMIS accounts statements dated November 30, 2008.

7. Attached hereto as Exhibit E is a true and correct copy of the letter sent to the Trustee in which Stanley Shapiro offered to stipulate to certain transfers identified by the Trustee.

8. Attached hereto as Exhibit F is a true and correct copy of the Trustee's email dated November 15, 2017 rejecting the offer to stipulate.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
November 15, 2017

/s/ Barry R. Lax  
Barry R. Lax, Esq.